

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

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APPEAL FROM THE SOUTH CAROLINA  
WORKERS' COMPENSATION COMMISSION

**RECEIVED**

JUN 27 2016

SC Court of Appeals

Aisha Taylor, Commissioner  
Susan S. Barden, Commissioner  
Gene McCaskill, Commissioner

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Appellate Case No. 2016-000178

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Gerald Garner,

Appellant,

v.

Ceres Marine Terminals, Inc., Employer,

and

Tokio Marine & Nichido Fire Ins. Co.,

Respondents.

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DESIGNATION OF MATTER TO BE  
INCLUDED IN THE RECORD ON APPEAL

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The Respondents, Ceres Marine Terminals, Inc. and Tokio Marine & Nichido Fire Ins. Co., propose the following be included in the Record on Appeal:

1. Joint Application for Approval of Agreed Settlement – Section 8(i) dated June 3, 2011;
2. Settlement Agreement and General Release dated June 3, 2011;
3. Form 19 dated June 3, 2011;

4. Final Lump Sum Agreement and Release dated June 7, 2011;
5. Settlement checks dated June 9, 2011 and June 21, 2011;
6. Decision and Order from U.S. Department of Labor dated June 21, 2011;
7. LS-208 dated June 22, 2011;
8. Correspondence between Appellant and Attorney regarding appeal and settlements dated March 4, 2013;
9. Contract of Representation dated March 3, 2009;
10. Representation Letter dated March 2, 2009;
11. Health Authorization Form;
12. Authority to Release Employment, Wage and/or Payment Records dated March 3, 2009;
13. Contract of Representation dated October 4, 2010;
14. Letter to Appellant from Attorney Bluestein dated May 12, 2011;
15. Letter to Appellant from Attorney Bluestein dated December 2, 2013;
16. Letter to Appellant from Deborah M. Smalls dated May 10, 2013;
17. Memorandum of Informal Conference dated January 14, 2010;
18. Representation letter dated February 23, 2009;
19. Letter from Attorney Bluestein to Appellant dated June 27, 2011;
20. Form 50 dated April 17, 2014;
21. Form 51 dated December 30, 2014;
22. Transcript of March 4, 2015 hearing;
23. Letter to SCWCC dated March 11, 2015;
24. Claim letter to SCWCC from Attorney Bluestein dated March 9, 2009;

25. Motion to Be Relieved as Counsel dated September 15, 2014;
26. Decision and Order dated July 6, 2015;
27. Form 30 dated July 22, 2015;
28. Appellant's Brief dated September 2, 2015;
29. Respondents' Brief dated September 22, 2015;
30. Transcript of October 19, 2015 Appellate Panel hearing;
31. Appellate Panel Decision and Order dated December 31, 2015;

The undersigned hereby certifies that this designation contains no matter that is irrelevant to this appeal

June 24, 2016



Roy A. Howell, III/SC Barr # 11888  
Kirsten L. Barr/SC Barr # 15525  
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ATTORNEYS FOR THE RESPONDENTS

THE STATE OF SOUTH CAROLINA

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**PROOF OF SERVICE**

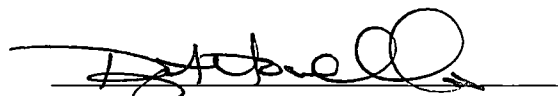
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The undersigned hereby certifies that the above-named Appellant, Gerald Garner, was served with a copy of the attached Initial Brief of the Respondents and Designation of Matter this 24<sup>th</sup> day of June, 2016, by depositing a copy of the same in the United States Mail, first class postage prepaid, addressed to the Appellant, as follows:

Gerald Garner  
P.O. Box 186  
Goose Creek, SC 29445

Respectfully submitted,

June 24, 2016

A handwritten signature in black ink, appearing to read "Roy A. Howell, III", is written over a horizontal line.

Roy A. Howell, III/SC Bar # 11888

Kirsten L. Barr/SC Barr #15525

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June 24, 2016

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
P. O. Box 11629  
Columbia, SC 29211

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JUN 27 2016

SC Court of Appeals

Re: Gerald Garner v. Ceres Marine Terminals, Inc.  
W.C.C. File No.: 0902709  
Appellate Case No.: 2016-000178  
Carrier File No.: 2009009706  
Date of Accident: February 23, 2009

Dear Ms. Kitchings:

Enclosed herewith for filing, please find the Initial Brief of the Respondents and Designation of Matter, with accompanying Proof of Service, in the above-referenced matter. By copy of this letter, I am serving the other party of record, Gerald Garner, with a copy of these documents. If you should have any questions, please do not hesitate to contact me.

Yours very truly,

Roy A. Howell, III

RAHIII/dll/les

Enc.

cc: Kirby Ford, Ceres Marine Terminals, Inc. (w/enc.)  
Kathy Stephens, Tokio Marine & Nichido Fire Insurance Co. (w/enc.)  
Gerald Garner (w/enc.)

104/971-Court of Appeals - Initial Respondents Brief